

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-3795

United States of America,

Appellee,

v.

Howard Lane,

Appellant.

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Appeal from the United States
District Court for the Western
District of Missouri.

[UNPUBLISHED]

Submitted: April 16, 2002

Filed: April 19, 2002

Before BOWMAN, LOKEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Following a hearing, the district court¹ ordered Howard Lane committed under 18 U.S.C. § 4245 to the custody of the Attorney General, for hospital care and treatment in a suitable facility until treatment is no longer needed or his sentence expires, whichever occurs first. Mr. Lane appeals. Having carefully reviewed the

¹The Honorable Dean Whipple, Chief Judge, United States District Court for the Western District of Missouri, adopting the report and recommendations of the Honorable James C. England, United States Magistrate Judge for the Western District of Missouri.

record, we are satisfied that the district court's findings as to Mr. Lane's condition are not clearly erroneous. See 18 U.S.C. § 4245(d) (burden of proof); United States v. S.A., 129 F.3d 995, 1000 (8th Cir. 1997) (standard of review), cert. denied, 523 U.S. 1011 (1998). Accordingly, we affirm.

Additionally, we grant counsel's pending motion.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.